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THE HONORABLE KAREN A. OVERSTREET  
Chapter 13  
Hearing Date: June 11, 2010 @ 9:30 a.m.  
Response Date: June 4, 2010  
Location: U.S. Bankruptcy Court  
700 Stewart Street, Rm. 7206  
Seattle, WA 98101

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

11 IN RE: )  
 ) Case No. 09-22120

19 COME NOW, the undersigned attorney, David M. Lux, attorney for the above-named  
20 debtors, Scott Townley and Stephanie Tashiro-Townley, who responds to the Bank of New  
21 Mellon's Motion for Relief from Stay as follows:

22 1. My clients, the above named debtors, filed a response to this motion on June 3, 2010  
23 without my knowledge whatsoever until, just after midnight June 4, 2010, I looked online  
24 of the ECFwebmaster Summary of ECF activity for my case activity for June 3, 2010. It

26 - I - - RESPONSE TO MOTION FOR  
27 RELIEF FROM STAY

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1 was then that I first realized that the debtors had filed a response in this matter. I then  
2 read their response. Prior to reading their filed response, I had no knowledge whatsoever  
3 the debtors would be taking these positions in their response. The debtors never mailed,  
4 emailed, delivered, or otherwise provided me with a copy of their pro se response.  
5

6 2. I have attempted to contact the debtors many times over the past several weeks since this  
7 motion has been filed, as well as over the past several months before this motion was  
8 filed, in an effort to get a response from them regarding their position regarding whether  
9 they wished to vacate their home or amend their Chapter 13 plan to pay their mortgage  
10 and mortgage arrearage. The debtors never responded to me with a decision on that  
11 issue and have not responded to me at all over the past several weeks.  
12

13 3. I filed a Motion to Shorten Time to withdraw as counsel for the debtors scheduled for  
14 hearing on June 11, 2010. However, in light of the debtors' response to this Motion for  
15 Relief from Stay without my prior knowledge, I do not wish to appear at this June 11<sup>th</sup>  
16 hearing and expect to strike my motion to shorten time to withdraw. I will then present  
17 my ex parte order to withdrawal as debtors' counsel on June 16, 2010 pursuant to my  
18 previously filed motion to withdraw as counsel scheduled for hearing on June 16<sup>th</sup>.  
19

20 4. Given these recent and usual circumstances, I hope that this court understands my  
21 position not to attend this June 11<sup>th</sup> hearing. There has been a complete breakdown of  
22 communication between the debtors and me. Furthermore, I did not participate in the  
23 debtors' response because I had no prior knowledge of the debtors' pro se filed Response  
24

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26 - 2 - **RESPONSE TO MOTION FOR**  
27 **RELIEF FROM STAY**

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1 to Bank of New York Mellon's Motion for Relief from Stay. The debtors' response was  
2 drafted and filed without my advice, counsel, assistance or participation whatsoever.  
3  
4

5 DATED: June 4, 2010  
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/s/*David M. Lux*

David M. Lux, WSBA #24581  
8 Attorney for Debtors  
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26 - 3 - **RESPONSE TO MOTION FOR**  
27 - **RELIEF FROM STAY**  
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